

**AFFIDAVIT OF MICHAEL P. CURRAN**

I, Michael P. Curran, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") of the United States Department of Justice, and have been so employed for over five years. Previously, I was employed as a Special Agent with the US Immigration and Naturalization Service for approximately two years. During my law enforcement career, I have submitted affidavits in support of criminal complaints and arrest warrants on approximately 20 occasions. I have received specialized training while employed as a federal law enforcement officer regarding all aspects of law enforcement, including training related to firearms, arson, explosives, and narcotics.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Todd William SHAYS ("SHAYS"), DOB: December 14, 1974. As detailed below, I believe that there is probable cause to believe that SHAYS possessed a controlled substance - to wit, cocaine, in violation of Title 21, United States Code, Section 844(a).

3. I submit this affidavit based on my own personal knowledge and based on facts related to me by other law enforcement officers, both orally and in writing. This

affidavit does not detail all of the facts known to me regarding this matter, but instead relates only those facts which I believe are necessary to establish the requisite probable cause.

**. FACTS**

4. On December 17, 2002, ATF Special Agents David Oliver, Eric Kotchian, and I were attempting to locate SHAYS to serve him with a Federal Grand Jury subpoena in connection with another matter. At approximately 1700 hours, we observed SHAYS exit his listed residence, located at 300 Massasoit Road in Worcester, MA. Special Agents Oliver, Kotchian, and I approached SHAYS as he was about to get into a vehicle parked in the driveway of that residence. The vehicle's engine was running.

5. Upon encountering SHAYS and identifying ourselves, SHAYS began acting nervous. SHAYS was laughing and was fidgeting with his hands. Fearing that SHAYS may be in possession of a weapon, Special Agent Oliver began to pat down SHAYS. As Special Agent Oliver was frisking SHAYS for weapons, SHAYS attempted to reach into his left front pocket. I restrained SHAYS from reaching into that pocket. Special Agent Oliver then frisked SHAYS' front pocket and felt a hard object. Special Agent Oliver reached into the pocket and removed a Massachusetts Driver's License in the

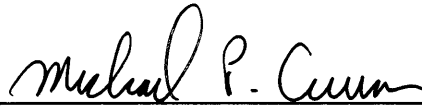
name of Todd SHAYS, a Blockbuster Video membership card in the name of Todd SHAYS, \$82.00 in United States currency, and a plastic bag containing approximately 7 grams of suspected cocaine.

6. The plastic bag containing the suspected cocaine was placed in an evidence envelope, labeled and stored in the Worcester ATF temporary evidence vault, and on December 24, 2002, was transported to the Boston Federal Bureau of Investigation ("FBI") to FBI Special Agent Jennifer Berry for submission to the Drug Enforcement Administration ("DEA") Laboratory in New York for examination and analysis. The examination showed that the plastic bag contained a net weight of 6.7 grams of cocaine hydrochloride (powder cocaine).

7. I have reviewed SHAYS' criminal history and have learned that SHAYS has at least two prior state drug convictions. Specifically, in March 1998, SHAYS pled guilty in East Brookfield District Court to illegal possession of a class D substance, a violation of Massachusetts General Laws Chapter 94C, Section 34; in February 2002, SHAYS pled guilty in East Brookfield District Court to possession to distribute a class B substance, a violation of Massachusetts General Laws Chapter 94C, Section 32A(a).

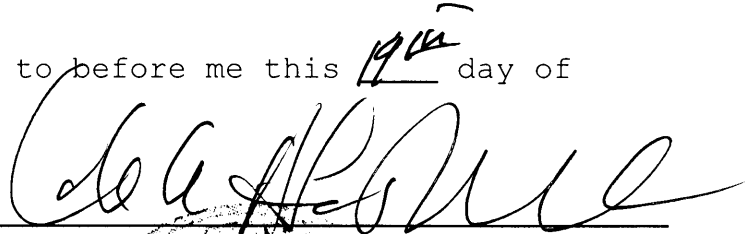
CONCLUSION

8. Based on the foregoing, I believe that probable cause exists that on December 17, 2002, Todd William SHAYS possessed a controlled substance - to wit, cocaine, after at least two previous state drug convictions, in violation of Title 21, United States Code, Section 844(a). I, therefore, respectfully request that an arrest warrant charging this offense be issued for the arrest of Todd William SHAYS.



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Michael P. Curran  
Special Agent  
Alcohol, Tobacco, Firearms &  
Explosives

Subscribed and sworn to before me this 19<sup>th</sup> day of  
November 2003.



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CHARLES B. SWARTWOOD, III  
United States Magistrate Judge

